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Attorneys for Plaintiff
VERIGY US, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC, a Delaware Corporation,

Plaintiff,

vs.

ROMI OMAR MAYDER, an individual;
WESLEY MAYDER, an individual; SILICON
TEST SYSTEMS, INC., a California Corporation;
and SILICON TEST SOLUTIONS, LLC, a
California Limited Liability Corporation,
inclusive,

Defendants.

Case No. C07 04330 RMW (HRL)

**DECLARATION OF MELINDA M.
MORTON IN SUPPORT OF VERIGY'S
MOTION TO COMPEL PRODUCTION
OF DOCUMENTS FROM DEFENDANTS
IN RESPONSE TO 3RD & 5TH SETS OF
REQUESTS FOR PRODUCTION**

Date: October 21, 2008
Time: 10 a.m.
Ctrm.: 2, 5th Floor
Judge: Hon. Howard R. Lloyd

Complaint Filed: August 22, 2007
Trial Date: None Set

AND RELATED CROSS-ACTIONS

1 I, Melinda M. Morton, declare as follows:

2 1. I am an attorney licensed to practice law before all of the courts of the State of
3 California, and a partner with the law firm of Bergeson, LLP, counsel of record for plaintiff
4 Verigy US, Inc. ("Verigy") in the above-captioned action. Except as to matters stated on
5 information and belief, which I am informed and believe to be true, I have personal knowledge of
6 the facts set forth in this declaration, and, if called to do so, I could and would competently testify
7 thereto.

8 2. I conducted an online website review of Defendants' Silicon Test Systems website
9 by visiting its site and an internet archives site. In February, 2008 I went to the "Internet Archive"
10 at www.archive.org. This is "a digital library of Internet sites and other cultural artifacts in digital
11 form," which "provides free access to researchers, historians, scholars, and the general public."

12 3. At that time, I was able to access historical pages of Defendants' website on that
13 site through "The Wayback Machine." Thus there were historic pages of Defendants' website
14 available on the Internet archive as of February, 2008.

15 4. According the "FAQ" of the Internet Archive website
16 (<http://www.archive.org/about/faqs.php#2>) the only way to remove these historical pages is to
17 insert a blocking tool in one's website server. The FAQ states that "[t]he Internet Archive is not
18 interested in preserving or offering access to Web sites or other Internet documents of persons
19 who do not want their materials in the collection. By placing a simple robots.txt file on your Web
20 server, you can exclude your site from being crawled as well as exclude any historical pages from
21 the Wayback Machine."

22 5. I later returned to the Internet Archive site on or about August 20, 2008 for further
23 review of Defendants' historical website pages. On that date there were no longer any pages of
24 Defendants' website available.

25 6. I personally called the California Board of Equalization at or around July 28, 2008.
26 I was informed that I could not receive a copy of Defendants' seller's permit application. The
27 Board of Equalization representative confirmed that only the applicant can obtain the document.
28 Members of the public can only access information on the actual permit.

7. Attached hereto as **Exhibit A** is a true and correct copy of a form of a seller's permit application I downloaded from the California State Board of Equalization's website.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed this 10th day of September, 2008 at San Jose, California.

/s/
Melinda M. Morton